OF BALTIMORE COUNTY 4th Councilmanic District * Case No. 93-339-A

Baltimore Co. Revenue Authority

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the Baltimore County Revenue Authority, through its Executive Director, Kenneth F. Mills, Jr. The variance is filed for the property located in Central Towson owned by Baltimore County, a governmental entity. The property is bounded by Towsontown Boulevard to the south, Virginia Avenue to the east, York Road to the west and Chesapeake Avenue to the north. Presently, the site is in use as the location for the Towson Branch of the Public Library, the site of the Towsontown Dinner Theatre and various governmental offices. The proposed Towson District Court is also contemplated for this site. The Petitioner requests relief from Section 235.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit building setbacks from: (a) the Chesapeake Avenue and Towsontown Blvd. property lines of 0 ft., in lieu of the required 15', and (b) from the center line of Chesapeake Avenue of 32 ft., in lieu of the required 40 ft.; and from Section 409.8.A.4 to permit parking setbacks of 0 ft from the public rights-of-way along Chesapeake Avenue and Towsontown Blvd., in lieu of the required 10 ft.

Appearing at the public hearing held for this case were numerous individuals who appeared in support of the Petition. They included Kenneth Mills and Robert W. Cannon of the Baltimore County Revenue Authority,

Wayne Skinner of The Towson Development Corporation, Hyman K. Cohen and Diane Trowbridge of the Towson Dinner Theatre and Adam Wasserman from the Baltimore County Department of Economic Development. Also appearing was Michael W. Fisher, a Landscape Architect with the firm of Daft, McCune and Walker. That firm prepared the plat, marked as Petitioner's Exhibit No. 1. Keith R. Truffer, Esquire represented the Petitioner. There were no Protestants present.

Mr. Mills testified and described the property and its uses in detail. He noted that the Baltimore County Revenue Authority is a quasi public agency which provides public use facilities; i.e., parking facilities to the general public. He noted that this site received previous C.R.G. approval for development in 1989. At that time, it was originally anticipated that the proposed offices and uses maintained on the property would be public uses operated by Baltimore County. That is, it was not contemplated that private tenants would lease any of the facility. However, with the economic recession, business considerations have required that the Authority lease a portion of the facility to private tenants. In fact, the Towson Dinner Theatre has leased a portion of the office space immediately adjacent to Chesapeake Avenue. Due to the private utilization

Mr. Mills also noted that the Petitioner would suffer real practical difficulty and detriment if the variances were not granted. He noted that much of the improvements to the site have been completed, and modifications of the building to comply strictly with the zoning requirements would be costly and inconvenient. Further, to lose the private tenants already retained would result in a significant decrease of the revenue

of this site, the requested variances are necessary.

stream to the Authority by way of rental and other income. For all of these reasons, Mr. Mills asks that the variances be granted.

Michael W. Fisher, the Landscape Architect, also testified and presented the plan. He described fully the existing improvements and corroborated Mr. Mills testimony as to the necessity of the variances. He also addressed the Zoning Plans Advisory Committee comments (ZAC) offered by the Office of Planning and Zoning. Specifically, he noted that sufficient lighting already exists on site to provide safety to tenants and members of the public who utilize the facility. He also observed that a landscapeplan was approved as a part of the C.R.G. process and any trees and shrubs which have not survived will be replaced during the routine maintenance and upkeep of the facility.

It is also relevant to note that the Petition enjoys widespread support from members of the community. Mr. Cohen and Ms. Trowbridge from the Towson Dinner Theatre obviously support the Petition so that their business can continue operating from the site. Correspondence was also received from the North East Towson Community Association and The Towson Development Corporation in support of the project. The letters note that a granting of the variance is necessary to continue the economic revitalization and viability of the downtown Towson area.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 100-106 East Chesqueice Avenue, Towson, 21286

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

hereto and made a part hereof, hereby petition for a Variance from Section(a)

Section 235.1 to permit building setbacks from: (a) the Chesepeake Avenue and Towsontown Blvd.

of 32' in lieu of the required 40'; and from

property lines of 0' in lieu of the required 15', and (b) the center line of Chestpeake Avenue

Section 409.8(A)4 to permit parking setbacks of 0' from the public rights-of-way along Cheespeake Avenue and Theorems Blvd. in lieu of the recurred 10' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

SEE ATTACHED STATEMENT OF PRACTICAL DIFFICULTY

111-115 Towsontown Boulevard

which is presently soned BM-CI

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief: and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Based upon the testimony and evidence presented, all of which is uncontradicted, I am persuaded that the granting of the variances will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. Further, the Petitioner will suffer practical difficulty if the variances are denied. It has been established that special circumstances exist that are peculiar to this site and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the property due to these conditions. Lastly, the variances requested will not cause any injury to the public health, safety and general welfare. For all of these reasons, the variances will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore Mink, 1993 that a variance from Section County this / day of 235.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit building setbacks from the Chesapeake Avenue and Towsontown Blvd. property lines of 0 ft., in lieu of the required 15', and (b) from the center line Chesapeake Avenue of 32 ft., in lieu of the required 40 ft., be and is hereby GRANTED: and

ECEIVED FOR FILING

IT IS FURTHER ORDERED that a variance from from Section 409.8.A.4 of the B.C.Z.R. to permit parking setbacks of 0 ft, from the public rightsof-way along Chesapeake Avenue and Towsontown Blvd., in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted here-

> 1. The Politioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

June 1, 1993

Keith R. Truffer, Esquire 102 W. Pennsylvania Avenue Towson, Maryland 21204

RE: Case Nos. 93-339-A Petition for Variance Baltimore County Revenue Authority, Petitioner

Dear Mr. Truffer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

cc: Mr. Kenneth F. Mills, Jr., Executive Director, BCRA Robert W. Cannon, Esquire Mr. Wayne Skinner, Towson Development Corp.

PENIEW

I/We do scientify declare and affirm, under the penalties of perjury, that they are the Baltimore County Revenue Authority Gunstl 7 Mills Kenneth F. Mills, Jr Executive Director (s. Address and phone number of legal owner, contract purchaser or recresentative 102 W. Pennsylvania Ave. 823-1800 21204

3870y

93-339-A PETITIONER'S STATEMENT OF PRACTICAL

1. The Baltimore County Revenue Authority ("the Revenue Authority") is a quasi-public agency whose public purpose is to build and maintain parking facilities in Baltimore County. The property which is the subject of this Petition is the site of the Library Parking Facility ("the Facility") which was built in 1991 by the Revenue Authority to provide parking for the Towson Library.

DIFFICULTY

2. The Facility was designed to include street level office/retail space along both Chesapeake Avenue and Towsontown Boulevard. This design was in conformity to guidelines supplied by the County Review Group, the Architectural Review Board and the 1988 Towson Plan. A portion of the office space is currently used by the Baltimore County Revenue Authority. The remaining space is not now in use.

3. The design and layout of the Facility required the encroachment into certain building and parking setbacks. It should be noted that the street level office/retail space in the Chesapeake Avenue front of the building has been recessed 13.5', in harmony with the spirit and intent of the setback regulations.

4. The original development plan approved for the Facility contemplated governmental use of the street level office/retail space. Such a use exempts the Facility from compliance with the Baltimore County Zoning Regulations.

ORD Dete

- 5. Since the opening of the Facility in July 1991, the Baltimore County Revenue Authority has sought without success to locate a governmental user for the office/retail space in the Facility. During this time, the space has been vacant.
- 6. The Revenue Authority has located a commercial tenant for a portion of the office/retail space and has entered into a 10-year lease for that space. Although the Revenue Authority owns the Facility, the change in proposed use from governmental to commercial will require the Facility's compliance with the building and parking setback requirements of the Baltimore County Zoning Regulations.
- 7. Despite its best efforts, the Revenue Authority has been unable to obtain a governmental tenant for the vacant office/retail space. Because of existing and anticipated economic conditions, it is not anticipated this situation will change. The Revenue Authority will be unable to use the street level office/retail space, unless the requested variances are granted to permit the use of the space by a commercial tenant.
- 8. Because of the existing 13.5' setback on the first and second floor of the Chesapeake Avenue side of the Facility and the multi-lane roadway on the Towsontown Boulevard side, a grant of the requested variances will be in harmony with the spirit and intent of the setback regulations.

-2-

93-339-A
Zening Description

to Accompany a Special Hearing and Zoning Variance

in a BM-CT Zone, 3.17 Acre Parcel, East Side of York Road,

North of Towsontowne Boulevard and South of Chesapeake Avenue,

Ninth Election District, Baltimore County, Maryland

Daft-M*Cone-Walher, Inc.

Town, Maryland 21286

410 296 3333

Fax 296 4705

COURS

A Team of Land Planners,
Landscape Architects.

Beginning for the same at the southeast right of way intersection of York Road and Chesepeake Avenue, and at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of said York Road with the centerline of Chesapeake Avenue (1) Southwesterly along said centerline of York Road 32 feet, more or less, and thence (2) southeasterly 32 feet, more or less, to the Point of Beginning, thence leaving said beginning, thence running and binding on the southerly side of said Chasapanke Avenue, the following six courses and distances, viz: (1) South 83 degrees 10 minutes 28 seconds East 370.07 feet, thence (2) South 81 degrees 58 minutes 10 seconds East 103.54 feet, thence (3) South 83 degrees 02 minutes 48 seconds East 76.76 feet, thence (4) South 82 degrees 36 minutes 04 seconds East 50.25 feet, thence (5) South 83 degrees 52 minutes 17 seconds East 8.58 feet, thence (6) South 43 degrees 31 minutes 36 seconds East 23.15 feet to the westerly side of Virginia Avenue, thence along said westerly side of Virginia Avenue, the following two courses and distances (7) South 03 degrees 54 minutes 31 seconds 81.64 feet, thence (8) South 41 degrees 12 minutes 35 seconds West 37.07 feet to the northerly side of said Towsontowne Boulevard, thence along said northerly side of Towsontowne Boulevard the following five courses and distances, viz: thence (9) southwesterly by a line curving to the left with a radius of 1951.86 feet, the arc distance of 156.10 feet, said curve being subtended by a chord bearing South 80 degrees 58 minutes 49 seconds West 156.06 feet, thence continue along said north side of Towsontowne Boulevard the following four courses and distances, viz: thence (10) South 78 degrees 41 minutes 21 seconds West 49.80 feet, thence (11) South 89 degrees 49 minutes 05 seconds West 1.85 feet, thence (12) South 85 degrees 26 minutes 05 seconds West 318.47 feet, thence (13) South 87 degrees 47 minutes 10 seconds West 154.23 feet to the easterly side of said York Road, thence along said easterly side (14) North 12 degrees 08 minutes 57 seconds 276.70 feet to the Point of Beginning: containing 3.17 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 2, 1993 Project No. 87133.E FOR CONVEYANCE.

Baltimore (
Office of Zo

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Government

Office of Zoning Administration

and Development Management

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

111 West Chesapeake Avenue

Towson, MD 21204

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

		-AJ	RNOLD JABLON,	DIRECTOR
For newspaper adver	tising:		~~~~~~~~~~~~~	
Case No.:	Item No.: 3	51		
Petitioner: Bauto.	Co. REVENUE A	LUTHORIT	4	
LOCATION: W-115 To	шентоши Вир.	\$ 100-10	6 E. Chesa	PEAKE AVE.
PLEASE FORWARD ADVE	RTISING BILL TO:			
NAME: BALT	MORE COUNTY TO	EVENUE	AUTHORITY	
ADDRESS: 115	TOWSONTOWN BL	VD.		
Tows	ON MD 21	286		
PHONE NUMBER:_	887-3127			

AJ:ggs (Revised 3/29/93)

POWERS STREET BONG

Baltimore County Government Office of Zoning Administration and Development Management

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chasapeake Avenue in Tousan, Haryland 21204

Room 118, Old Courthouse, 400 Weshington Avenue, Townon, Heryland 21204 as follows:

CASE MURRER: 93-339-A (Item 351)
111- 115 Toussontown Boulevard and
100- 106 E. Chesspeeks Avenue
S/S Chesspeeks Avenue, M/S Toussontown Boulevard, E of York Road
Peititioner(s): Baltimore County Revenue Buthority
HEARTHS: THEMSDAY, MAY 20, 1993 at 9:00 a.m. in Bm. 118, Old Courthouse.

Variance to permit building setbacks from (a) the Chasspeaks Avenus and Tomontoum Boulevard property lines of zero ft. in lieu of the required 15 ft., and (b) the centerline of Chasspeaks Avenue of 32 ft. in lieu of the required 40 ft.; and to permit purking setbacks of zero ft. from the public right-of-ways along Chasspeaks Avenue and Tomontous Boulevard in lieu of the required 10 ft.

Arnold Jablon
Director

CC: Millions House, Inc.
Royald Decime, Enq.

WOTE: HEARTHON AND HAMDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPONITIONS PLEASE CALL 887-3353.

Keith R Truffer

Prince

SCHING DEPARTMENT OF SALTIMONS COUNTY 93 - 339-19

Posted for: V. Etterice	Date of President 4/28/93
Politicas: Both Coon by 1	Corporate Authority
Location of property: 111-115 Topso-1	Town Blod - 100-106-E Chosepocks Ara
of Bolto la	dway (Towson town Blad) on proporty
Remerks:	/
Posted by Mother	
Number of Signe:	Date of roturn: 4/30/25

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN.

5. Zete Orlow Publisher

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

May 13, 1993

Keith R. Truffer, Esquire 102 W. Pennsylvania Avenue Towson, MD 21204

RE: Case No. 93-339-A, Item No. 351
Petitioner: Baltimore County Revenue Authority
Petition for Variance

Dear Mr. Truffer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 2, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLONGON
OFFICE OF FINANCE: REVENUE DIMEION
MISCELLANEOUS CASH RECEIPT

DATE GENERAL 2, 1993 ACCOUNT C-001-6/50

AMOUNT \$ 70.00

RECEIVED DATE FOR 351 - POSTING ONLY

DATE STORY

JANUARY STORY

VALIDATION ON SIGNATURE OF CASHIER

VELOW-CUSTOMER

VELOW-CUSTOMER

VELOW-CUSTOMER

Post time on Class A

Zoning Administration &

111 West Chesapeake Avenue

Development Munugement

Account: R-001-6150

receipt

Humber
ITEM #351 (WCR)

#020 ------\$250.00

Legal Owner: Paltimore County Revenue Authority

Address: 111-115 Towsomtown Boulevard
100-106 East Chesapooks April

100-106 East Chesapeake Avenue

Cashier Validation

POSTING PAID BY SEPARATE RECEIPT - 2 SIGNS

se Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 16, 1993
Zoning Administration and Development Management
FROM Robert W. Bowling, Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting for April 19, 1993 Item No. 351

The Development Plan Review Section has reviewed the subject zoning item. A schematic landscape plan should be submitted before consideration of modifying the 10-foot parking setback can begin.

RWB:DAK:B

270

Hai Kasself

4-16-93

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Engineering Access Permits

My telephone number is _

Teletypewriter for Impelred Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, HARYLAND

INTER-OFFICE CORRESPONDENCE

Baltimore County Revenue Authority

TO: Arnold Jablon, Director Zoning Administration &

Development Management FROM: Pat Keller, Deputy Director

Office of Planning and Zoning

DATE: April 19, 1993

SUBJECT: 111-115 Towsontown Blvd. & 100-106 E. Chesapeake Ave.

INFORMATION

Item Number:

Petitioner: Property Size:

Requested Action:

Zoning:

SUMMARY OF RECOMMENDATIONS

The proposed Variance requested from Section 235.1 of the Baltimore County Zoning Regulations is to permit building setbacks of 0' in lieu of 15' and from the center line of Chesapeake Avenue of 32' in lieu of 40'; and from Section 409.8(A)4 to permit parking setbacks of 0' from the public right-of-way of Chesapeake Avenue and Towsontown Boulevard in lieu of the required 10'. This request is necessitated due to the proposed 7,000 sq. ft. theater and 14,000 sq. ft. of general offices that would be leased to commercial tenants.

The theater proposal is in keeping with the recommendations in the Towson Community Plan and will help maintain an active retail area in the commercial core that remains open after 5:00 p.m. and until at least 9:00 p.m.

This office supports the requested Variances with the following recommendations:

- 1. Decorative low level lighting, similar to that utilized at Towson Commons should be added along Chesapeake Avenue and Towsontown Boulevard frontage. This will improve visibility for theater goers and is in keeping with the Towson Community Plan.
- 2. Replace the Cotoneaster in the tree planters with Sargent Juniper.
- 3. Replace the trees that have died in planters along Towsontown Boulevard.

Baltimore County Governmen

The issuance of this permit in no way grants or implies approval of

any matter relating to this property which is in conflict with the

The issuance of this permit is subject to the following Conditions:

Owner has filed for a public hearing, Item # 35/

Owner must file for a public hearing within _____ days before the Zoning Commissioner requesting relief from all

Owner/contract purchaser must submit a complete revised site

within _____ days resolving all possible conflicts with the Beltimore County Zoning Regulations.

conflicts with the Baltimore County Zoning Regulations.

development plan and requested accompanying information

The owner/contract purchaser may proceed at his own risk with the

completed as stipulated, and/or the petition for relief has been

Immediately thereafter the owner/contract purchaser must return the

property to the condition it was in prior to the beginning of said

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner if applicable in this matter. I also hereby

certify that I the undersigned am in fact the owner and if applicable

construction and accepts full financial liability in the matter.

However, in the event that any or all of the above conditions are not

denied, dismissed or withdrawn, this provisional approval is rescinded

construction indicated in the above-referenced permit.

Office of Zoning Administration and Development Management Office of Planning & Zoning

351.ZAC/ZAC1

Pg. 1

4. Information should be provided concerning any proposed signs for the theater.

5. Add a trash receptacle similar to those used at Towson Commons at the building entrance along Chesapeake Avenue.

Division Chief:

PK/JL:lw

Pa. 2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

3848-93

TO: ___Zoning Advisory Committee DATE: April 16, 1993

FROM: Jerry L. Pfeifer. Captain Fire Department SUBJECT: Zoning Petitions

> #325 No comments #327 No comments #332 No comments #340 No comments

> #341 No comments #342 No comments #343 No comments

#344 No comments #345 No comments #346 No comments

#347

#352

JLP/dal

cc: File

#348 No comments #349 No comments #350 No comments

No comments

#351 The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code.

No comments

ZADM

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

April 20, 1993

Keith R. Truffer, Esquire 102 West Pennsylvania Avenue Towson, MD 21204

RE: Preliminary Petition Review (Item #351) Legal Owner: Baltimore County Revenue Authority 111-115 Towsontown Boulevard

100-106 East Chesapeake Avenue 9th Election District

Dear Mr. Truffer:

111 West Chesapeake Avenue

Towson, MD 21204

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues or incomplete information.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

JJS:scj

111 West Chesapeake Avenue

Provisional Approval

LOCATION: 100-106 East Chesapeake Avenue, Towson 21286

Baltimore County Zoning Regulations.

(Please check appropriate box(es))

Permit No: B157626

Towson, MD 21204

NORTHEAST TOWSON COMMUNITY ASSOCIATIO

410 Virginia Avenue Towson, Maryland 21286

April 2, 1993

Mr. Kenneth Mills Baltimore County Revenue Authority 115 Towsontown Boulevard Towson, Maryland 21286

Re: Conditional Approval of Building Permit F. Scott Black's Towson Dinner Theater 100 E. Chesapeake Avenue

Dear Ken:

Thank you for meeting with me yesterday regarding your plans for the vacant retail space in the Library Parking Facility, and your desire to obtain a zoning variance to accommodate the tenant, F.Scott Black's Dinner Theater.

I have no objection to the issuance of a conditional building permit, which would be subject to the outcome of the variance hearing. While I have not yet sought the formal endorsement of my association, I am confident that they will not be opposed to the variance. I see the dinner theater as an asset to the business community, and an enhancement to the quality of life for our neighborhood.

If you need anything else, please call me.

Bultimore County Revenue Authority 115 TOWSONTOWN BOULEVARD

TOWSON, MARYLAND 21286-5350 TELEPHONE (410) 887-3127 FAX (410) 296-7459

93-339-A

April 2, 1993

Ms. Lisa S. Keir Legislative Aide Baltimore County Council 400 Washington Avenue Towson, MD 21204

Dear Lisa:

I met yesterday with Shelly Hawkins regarding the staging area for the District Court project and our zoning variance for F. Scott Black's Dinner Theater.

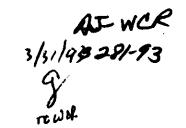
On both items, she was fully supportive of our efforts and appreciated that I was advising her of our activities before they became more public (thanks for encouraging me to go see her!). also agreed to contact the Bureau of Traffic Engineering regarding the institution of the posted two hour parking restriction along Virginia Avenue. Shelly and I are both concerned that construction workers will take all of the parking spaces along Virginia Avenue before 7:00 a.m. and park there all day and restrict access to the residences and businesses along that street. A copy of that request will be sent to you under separate cover.

> Sincerely, Kan-Kenneth F. Mills, Jr.

Executive Director

KFM/mls1E-044

Baltimore County Revenue Antiportin 115 TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5350 TELEPHONE (410) 667-3127 FAX (410) 296-7480



Mr. Arnold Jablon

Zoning Administration & Development Management

Re: Commercial Space Usage Variance 100-106 East Chesapeake Avenue - Library Parking Facility CRG Plan dated January 25, 1989

Dear Arnold:

Towson, ND 21204

111 West Chesapeake Avenue

I am writing to request a conditional approval of our building permit (No. B157626) pending approval received from a special hearing on a variance for modifications to our CRG Plan for the Library Parking Facility. The issue at hand involves the use of 7,000 square feet of commercial/retail/office space at the street level of the facility. We will file for a special hearing before the Zoning Commissioner by the end of the week and will request an early hearing to resolve the matter.

In the approved plan, the space, which was not in compliance with the BM-CT setback requirements, was designated for governmental use but permitted a future request for a variance for a non-governmental use. Since the opening of the Library Parking Facility in July 1991, we have sought to locate a governmental user for the space. However, the downturn in the economy and reductions in the size of government have made it almost impossible to get a public sector tenant. We have, nevertheless, been fortunate enough to obtain a commitment from a private sector tenant, F. Scott Black's Towson Dinner Theater. We therefore, would hope that you would permit this use, so we can move forward in obtaining the building permit for the space.

By way of background, I would like to provide you with some relevant information that might assist you in your consideration of this matter.

The Revenue Authority, which is exempt by right from the zoning regulations, planned and built the parking facility to provide an essential public service (parking) for the Towson Library, proposed State District Court that the Towson shopping and business community. The land which is owned in part by the Authority and the County, and the building which is owned solely by the Authority, are financed with 30 year revenue bonds. Street level mercantile space was incorporated into the design of the facility to generate additional revenue for the facility, which would help us keep parking rates as low as possible. We also sought to conform to the guidance provided by the County Review Group, Architectural Review Board and the 1988 Towson Plan (p. 30, 35, 49, 59, 64 & 65) regarding the provision of street level retail or

MR. ARNOLD JABLON MARCH 30, 1993 PAGE 2

93-339-A

office space in our facility. [It should also be noted that the Towson Community Plan encourages the inclusion of street level retail uses in office and other high rise structures (p. 42, 42 & 44)]. The layout and design of the parking facility above the space forced us to violate the setback requirements along Chesapeake Avenue, but we nevertheless tried to respect the regulations by recessing the front wall of the space 13.5 feet from the right-

In an earlier ruling by Robert Haines regarding private operators of facilities on County properties (see enclosed letter), Mr. Haines ruled that the County's zoning exemption could not be extended to the operators. Mowever, he provided that factors regarding the user, land ownership and purpose of the activity could be grounds for granting an exception. F. Scott Black's Dinner Theater, which has operated in the area for 11 years, is an excellent complementary use for the Towson core and the parking facility. The dinner theater will contribute nicely to the renewed evening activities in the town core, particularly in East Towson. The theater is also an excellent tenant for the garage because it will not tax the peak day time use of the facility and surrounding road system, which are continuing concerns for everyone in Towson.

In light of all of these factors, it is our hope that you agree with us that the commercial use of this space warrants an exception to the approved use of the CRG plan and grant us the conditional approval of our building permit. If you share this opinion, please sign below and return a copy of this letter to us at your earliest convenience.

Thank you for your time and consideration.

Sincerely,

Kenneth F. Mills, Jr. Executive Director

KFM/mls1E-037

Enclosures

Arnold Jablon, Director Zoning Administration & Development Management Office

5:20 FAX NUMBER CALLED: _ PAGES (INCLUDING THIS COVER LETTER) FROM A GROUP III MACHINE. IF YOU SHOULD ENCOUNTER DIFFICULTIES, PLEASE ADVISE IMMEDIATELY BY CALLING (410) 887-3127 AND ASKING FOR _____ NOTES/SPECIAL INSTRUCTIONS:

115 TOWSONTOWN BOULEVARD

TOWSON, MARYLAND 21286-8280

TELEPHONE (410) 807-0127

FAX (410) 200-7400

TELECOPY COVER LETTER

Fax Number

(410) 296-7459

COUNTY REVIEW GROUP CONSTRUES PROJECT NAME: Revenue Authority Project DATE: 1/5/89

Correctly describe the use areas by floor in the parking calculations so as not to conflict with the plan print and the required calculations (example commercial on 2nd and 3rd level and office on grade level).

Clarify the parking setback to a street R/W and that the 10' is not required if the facility is screened from the street in accordance with the landscape manual; all parking spaces will be permanently striped; and shade and subtotal all qualifying A.O.S. areas; the street R/W's with a bold line; the ownership lines on a separate reduced scale print; the parking layout and entrance/exit directions on floor plans and indicated on the plan print so as not to conflict with the floor plans; any parking in the

CR:sci

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VEINBERG AND GREEN ATTORNEYS AT LAW	rofos for fu	l
100 SOUTH CHARLES STREET		
D		

BALTIMORE, MARYLAND 21201-2773 (410) 332-8600 WASHINGTON AREA: (30) 470-7400

10480 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3506

30 WEST PATRICK STREET FREDERICK, MARYLAND 21701-5571 (301) 695-9200 FILE NUMBER

(410) 332-8862

April 9, 1993

VIA FACSIMILE AND REGULAR MAIL

WRITER'S DIRECT DIAL NUMBER

(410) 332-8816

Honorable Arnold Jablon

Office of Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue

Towson, Maryland 21204 Re: Item 351 - Baltimore County Revenue Authority Set-Back Variance Request

Dear Director Jablon: This letter is being forwarded in my role as Chairman of the Baltimore County Revenue Authority. It is extremely important to the Revenue Authority for a prompt hearing on the pending Petition. Your assistance in an expedited hearing would be

sincerely appreciated. Sincerely yours, Bob Cannon

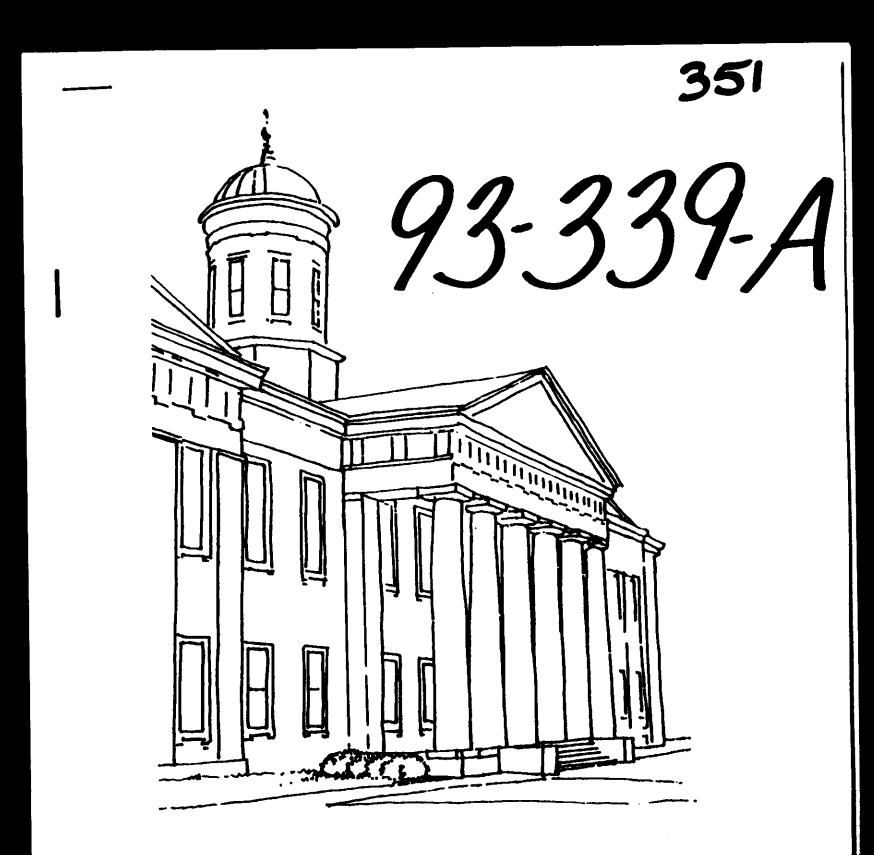
1238p/0081/ksm

cc: Mr. Carl Richards Mr. Kenneth F. Mills, Jr. Keith R. Truffer, Esquire



Robert W. Cannon

ZADM



TOWSON COMMUNITY PLAN

As Adopted By The Baltimore County Council on February 3, 1992

PLEASE PRINT CLEARLY PETITIONER(S	PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET				
NAME	ADDRESS				
Colon W. Com	BCRA				
Warn James	BCRA 21204				
Adam Wasseems	Balto Co Es,				
FIGNE TROWBRIDGE	514 St, Paul St. Bolto. My 21202				
Michael Fisher	TO USON Dimer Theatre 100 8. CHESIMEAKE ME 200 E. PENNA. AVE, TOWSON MD 21286.				
Thorn Trucan	102 W. Punn Any Tower 2124				

Comments began Part 922
Charles E. Back
Landin Fallent Scripp
John S. Back
H. A. Harde Contrave
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Charles B. Charles Co.
Harde B. Charles Bill
For City Press. Inc.
Gray C. Bacal Bill
Harde B. Backers, B.
Backers Backers, B.
Backers Co. B.
Backers, B.
Backers, B.
Backer Callade
Frinchment, Br.
Arnold Franchment, P.A.
Balact C. Gillian
Annold Franchment, P.A.
Balact C. Gillian
Co. Callade
St. Isomph Hospital
Sumad G. Gore
Tower Management Co. Inc.
Balact C. Haman
Mathemate B. Associate: Inc.
Balact L. Haman
Mathemate B. Associate: Inc.
Balact C. Haman
Mathemate B. Hardes
H. Haman
M. E. Townen Improv. Asso.
Haman
H. Haman

TOWSON

CORPORATION a nonprofit community improvement organization

23 West Chesapeake Avenue ● Towson, MD 21204 ● (410) 825-2211 ● FAX (410) 832-5863

May 20, 1993

Mr. Lawrence E. Schmidt Zoning Commissioner for Baltimore County 111 West Chesapeake Avenue Towson, MD 21204

RE: Case# 93-339-A Towson Dinner Theatre

Dear Mr. Schmidt:

On April 21, 1993, the Towson Development Corporation's (TDC) Executive Committee discussed the matter involving Case # 93-339-A. TDC would like to go on record supporting the variance request to permit building setbacks from (a)
the Chesapeake Avenue and Towsontown Boulevard property
lines of zero feet in lieu of the required 15 feet, and (b) the centerline of Chesapeake Avenue of 32 feet in lieu of the required 40 feet; and to permit parking setbacks of zero from the public rights-of-way along Chesapeake Avenue and Towsontown Boulevard in lieu of the required 10 feet.

TDC would like to comment on three issues relating to this request. They are as follows: (1) the use of street level space as retail, (2) stablizing parking rates, and (3) increasing evening entertainment activities.

Street Level Retail - The Towson Dinner Theatre was formerly located at 7800 York Road. It has successfully operated in Towson for over eleven years. The granting of the variance would allow a private sector tenant to occupy ground level space in the Library Parking facility.

This use would be in keeping with the Towson Community Plan, adopted by the County Council on February 3, 1992, which encourages retail uses (non-office uses) along the street level. The community's desire for this type of development is already evident in several existing highrises. For example, the Legg Mason building, Washington Avenue: Court Towers, Pennsylvania Avenue; 40 West Chesapeake, Chesapeake Avenue; and Towson Commons, York Road - all have predominately street level retail.

OVER



ATTORNEYS AT LA XHIBITIVO BALTIMORE, MARYLAND 21201-2773

10480 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3506 (410) 740-8500 WRITER'S DIRECT DIAL NUMBER

(410) 332-8816

30 WEST PATRICK STREET FREDERICK, MARYLAND 21701-5871 WASHINGTON AREA: (301) 470-7400 (301) 695-9200 FILE NUMBER

May 12, 1993

(410) 332-8600

FACSIMILE (410) 332-8862

Honorable Lawrence E. Schmidt Baltimore County Zoning Commissioner 400 Washington Avenue Towson, Maryland 21204

Item 351

Re: Case Number 93-339-A

AN EGEINED

Dear Commissioner Schmidt:

This letter is being forwarded by me as Chairman of the Baltimore County Revenue Authority in support of our variance request scheduled for hearing on May 20, 1993 at 9:00 a.m. I have had the pleasure of serving as Chairman of the Revenue Authority since July 1, 1981.

The requested variance from the setback requirements is important to the constituency of the Revenue Authority, the public. The Library Parking Facility was designed so that the structure would be aesthetically sensitive to the surrounding community. In addition, we included the grade level spaces in our design to provide ancillary revenue sources to help hold the net cost of parking for the public to a minimum.

We respectfully suggest that it would create both a practical difficulty and an unreasonable hardship if the requested setback variance is not granted. It was of extreme importance to the Authority and to the public that this hearing be scheduled as promptly as possible, even though it conflicted with a previous obligation which I have. If my hearing in the County Office Building which also commences at 9:00 a.m. concludes promptly, I may be able to supplement the contents of this letter with my appearance.

Thank you for your consideration of this request.

cc: Mr. Kenneth F. Mills, Jr. Keith R. Truffer, Esquire NORTHEAST TOWSON COMMUNITY ASSOCIATION
410 Virginia Avenue
Towson, Maryland 21286

May 20, 1993

The Honorable Lawrence B. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Case Number 93-339-A
Item 351

Dear Mr. Schmidt:

Unfortunately, due to the late change in the time of this hearing and my inability to rearrange my schedule, I can not attend and testify at the special hearing concerning the above referenced

Nevertheless, I would like to advise you that the Revenue Authority's request for zoning variances for the Library Parking Facility was discussed and voted upon by our community association at its April 6, 1993 meeting. Our association fully supports the variances, partly in recognition of the benefits that will be brought to our community by one of the proposed tenants, F. Scott Black's Dinner Theatre, and also in acknowledgement that the first floor uses are appropriate complementary activities for the garage and our community.

If you would like to talk with me further about this case, please call me at 494-0620.

Shelly Jones Hawkins President

